

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Implementation of Section 26)
of the Cable Television Consumer)
Protection Act of 1992)

Inquiry into Sports Programming)
Migration)

PP Docket No. 93-21

RECEIVED

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF TURNER BROADCASTING SYSTEM, INC.

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SUMMARY

Turner Broadcasting System Inc. ("TBS") submits today supplementary comments on "sports migration." TBS' own experience with televising professional football and professional basketball does not support the notion that cable network carriage of professional sports has resulted in a decline of over-the-air sports broadcasting. Neither Turner Network Television "TNT" carriage of National Football League nor National Basketball Association games has reduced the quantity of over-the-air telecasts of those sports. We also submit separate comments on the specific issue of superstition baseball carriage.

The record regarding superstition baseball carriage -- carriage which began with the advent of satellite transmission -- does not support allegations that superstitions have harmed over-the-air baseball broadcasting. Since 1975, the year before TBS SuperStation began satellite delivery, the number of baseball games broadcast locally over-the-air has risen by more than 50% from 1,190 to 1,802. This increase in local broadcasts, concomitant with the growth of superstitions, has been possible because viewership statistics show that superstition baseball carriage does not divert viewers from their local baseball broadcasts. Braves' telecasts garner ratings on average of 0.5 or less in home markets with their own baseball franchises. Fans prefer their home team and their home team announcers. As further evidence, over 60% of TBS SuperStation baseball viewers come from the South, the Southeast and the Southwest, where no baseball franchises outside of Texas existed (the Marlins in South Florida begin play this year).

The compulsory license prohibits the insertion of local advertising in superstation programming. As a result, TBS SuperStation does not compete with local broadcasters for baseball advertising dollars. Competition with national network broadcasts is not substantial since: 1) almost 40% of Braves' advertising revenue comes from local Atlanta market sales and, 2) over 90% of network baseball advertising revenue comes from post-season play when network coverage is exclusive. Further, Major League Baseball receives approximately \$50 million per year from the combination of copyright pool payments and individual superstation team payments to the League for out-of-region baseball broadcasts -- revenues which are divided equally among all the teams.

Superstations are local broadcast stations, first. Quite the opposite of sports migration, superstations, on average, provide their local viewers with a far higher number of over-the-air baseball games than other local broadcasters. Superstations have no less an obligation to serve their local community than other broadcasters. The fact that superstations' signals are also transmitted via satellite does not diminish their local value.

Superstation baseball carriage is neither an example of sports migration, itself, nor a cause of sports migration from other local broadcasters. If anything, by providing most viewers with an adequate amount of baseball at a low cost, superstations may be impeding the movement of the sport to more expensive pay media.

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COMMENTS OF TURNER BROADCASTING SYSTEM, INC.

Turner Broadcasting System, Inc. ("TBS") is an Atlanta-based diversified company which develops and distributes television programming and is the owner of two national sports franchises.

TBS owns and operates five cable-distributed television networks: Cable News Network ("CNN"), Headline News, TBS SuperStation, Turner Network Television and The Cartoon Network. TBS SuperStation is also an Atlanta broadcast station, WTBS. In addition, TBS is part-owner and the managing partner of a regional sports network, SportSouth.

TBS owns and operates the National Baseball League Atlanta Braves and operates and owns a 96% limited partnership interest in the National Basketball Association Atlanta Hawks.

Our initial comments in this proceeding do not seek to duplicate the voluminous general record on sports migration presented by Major League Baseball, the National Basketball Association or the National Cable Television Association of which

we are members. Our comments focus on the specific questions raised in the Commission's notice regarding superstation sports carriage.

Introduction

Turner Broadcasting began in 1970 when Ted Turner acquired an Atlanta UHF broadcasting station, WJRJ. The call letters were changed to WTCG and later to WTBS. That acquisition became the foundation of an enterprise which is now delivering more diverse sports, entertainment and news programming across the United States than many imagined possible only fifteen years ago. TBS is also a leading worldwide exporter of entertainment and news.

Early on, Turner recognized the need to provide consumers with more viewing choices than were available on the three networks and the few independent stations which then existed (only 13 independent stations operated in the entire Southeast in 1970). Turner first beamed WTBS regionally to cable systems via microwave transmission. Then on December 17, 1976, WTBS became the first advertiser-supported programming service to be delivered via satellite to cable systems nationwide. WTBS' viewership since that time has increased exponentially; its penetration has grown from less than 2 million households in 1978, to 15 million in 1980, to over 59 million households comprising 65% of U.S. television households, today.

WTBS -- now known in its national incarnation as TBS SuperStation -- succeeded through perseverance, active promotion of its signal, extensive efforts to obtain programming and to expand consumer choice and a willingness to accept the increased costs of distributing programming nationally. Since its inception as a superstation in 1976, Braves' baseball has been a programming bulwark, bringing baseball to local fans and to fans in sport-short areas of the country who otherwise would have few, if any, games beyond limited national network broadcasts.

TBS SuperStation also carries 30 Atlanta Hawks basketball games per season. The SuperStation's sister cable network, Turner Network Television, carries 50 regular season and limited post-season professional basketball games (the final NBA play-off games revert to network television) and the first half of the season of NFL Sunday night football.

I. Sports Carriage on Cable Has Not Reduced the Availability of Sports on Broadcast Television

A. National Network Broadcast of Professional Basketball Games Have Risen

By the late 1970's the National Basketball Association faced serious difficulties. Television ratings were poor, spending outpaced revenues and several franchises were in precarious financial positions. The NBA responded by adopting tough reforms, including player salary caps and revenue sharing of cable rights fees. Also, the NBA adopted an aggressive

television policy. Because network television was slow to increase the number of national games televised and the rights fees for those games, the NBA actively courted cable networks to increase coverage. Some feared that the cable telecasts would saturate the market and further lower networks ratings. But, the reverse actually occurred.

In 1983, the first year of national cable carriage, USA, ESPN and TBS SuperStation televised a combined 150 games. CBS televised only 12 regular seasons games plus the later rounds of NBA playoff games. For the 1984-85 season, only TBS SuperStation carried the cable games, totalling 53 regular season and 21 early playoff games; CBS, again, broadcast 12 regular season games. Through the remainder of the 80's, TBS SuperStation televised 50+ regular season games and 20-30 early playoff games.

Beginning with the 90-91 season, Turner NBA coverage switched to TNT which televised 53 regular season and 34 early playoff games. By the 1989-90 season, CBS regular season coverage had increased to 16 games plus several additional playoff games, too. NBC then won the NBA contract and upped national regular season broadcasts to 18 in 90-91 and 24 in the 91-92 season while maintaining post-season coverage levels..

Further, it is important to note that network basketball carriage is predominantly weekend games. Turner's primary NBA coverage is of Monday through Friday NBA games which were not available previously on network television. If anything, the NBA's cable record is the reverse of sports migration. At the same time that cable subscribers have gained access to new games,

national basketball broadcasts of regular season games have risen not fallen. Not only has cable not harmed over-the-air basketball broadcasts, cable rights fees have been important to the recovery of professional basketball for all fans.

B. The Cable NFL Package Has Been Additive to Network Professional Football Broadcasts

TNT also televises the first half of the season of the National Football League's Sunday night games.^{1/} For these games, TNT offers local broadcast rights in the home markets of the competing teams. The NFL created Sunday night coverage specifically for cable distribution; these games were not available nationally before the NFL contracted with ESPN and TNT. Local broadcasts of NFL games have not decreased as a result. Rather, cable subscribers are getting one additional prime time game per week, as are over-the-air viewers in the home markets of each week's competing teams. Thus, it is impossible to conclude that the TNT NFL package is impeding in any way the availability of over-the-air broadcasts for local viewers.

TNT's rapid subscriber growth has made possible the carriage

October of 1988 with 17 million subscribing households was the largest cable network launch ever. In the three years since, TNT subscriberhip has grown to our current base of over 58 million.

After failing at the Commission, MLB then petitioned Congress during consideration of the Cable Act to adopt a quite similar amendment. MLB's proposal would have required the blackout of sports games carried on distant signals in markets where local teams had granted broadcast rights or regional cable rights to those same games. Despite the League's substantial efforts, no Member of Congress ever introduced their proposal. Nor did their proposal ever gain sufficient support to be brought to a vote in either the House or the Senate during the cable bill's consideration. The blackout proposal was discussed during the House-Senate cable conference, but was not brought to a vote there either.

Major League Baseball also supported Congressional repeal of the compulsory license which provides for cable carriage of local broadcast stations and superstations. MLB has both court-conferred antitrust immunity^{4/} and congressionally-conferred antitrust immunity.^{5/} Under their immunity, the League is able to carve the country up into territories and prohibit teams from contracting for out-of-region broadcast. Since the beginning of satellite broadcasting, the compulsory license has served as an important counterbalance to the sports' leagues antitrust

^{4/} 1922 Supreme Court decision in Federal Baseball v. National League 259 U.S. 200 reaffirmed in 1953 Toolson v. New York Yankees, Inc., 346 U.S. 356, 357 and in 1972 Flood v. Kuhn, 407 U.S. 258, 284.

^{5/} The Sports Broadcasting Act. Public Law 87-331 (15 USC SS 1291-1295)

immunity. Without the compulsory license, the League could and, by all evidence, would prevent superstition baseball carriage.

Congressional sentiment regarding superstition sports carriage is telling here, too. The Congressional committees of jurisdiction were reluctant to repeal the compulsory license without countering the leagues' antitrust immunity. Both the compulsory license repeal bill introduced by the Chairman of the Senator Judiciary Patents, Copyrights and Trademarks Subcommittee, Senator DeConcini, and the compulsory license repeal amendment submitted during House consideration of the cable bill by Representative Bill Hughes, Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, provided a mechanism for continued carriage of baseball on superstations.^{6/}

Major League Baseball's widely-publicized campaign^{7/} was unsuccessful because Congress understands that superstition baseball is important to million of fans across the country. In addition, the record did not and does not now support MLB's contention that superstition baseball carriage harms local television baseball carriage.

(ii) Local Broadcasts Have Risen

Local broadcast of baseball games has increased concomitantly with the rise of superstations. In 1975, the year

^{6/} Section 6, S.3342.

^{7/} See Appendix A.

before TBS SuperStation was launched, 1,190 baseball games were broadcast over the air locally. By 1989 the number of local over-the-air games was up 38% to 1,647. Local broadcaster have bought rights to air 1,802 games locally this year, another 9.4% increase. At the same time, cable subscribers to regional sports networks have available an additional 1,365 local games for a grand total of 3,167 local games. Baseball viewers, both cable and broadcast, have been clear winners.

(iii) Viewership Statistics Do Not Show
Superstation Audience Diversion

TBS SuperStation viewership statistics show that our telecasts do not divert audience from local game broadcasts.^{8/} Over 60% of Braves' viewing households are located in the South, Southeast and Southwest where, aside from Texas, no local baseball franchises have existed. The actual head-to-head ratings of local over-the-air baseball broadcasts up against TBS SuperStation telecasts of the same game more directly refute the allegation of superstation harm to local baseball.

1991 ratings for home market station broadcasts averaged 11.3 when up against a duplicated TBS SuperStation telecast and 11.2 when not duplicated. TBS SuperStation duplicated games

^{8/} Even if, for the sake of argument, one assumes that viewership of over-the-air baseball has been harmed by increased baseball viewing options, these new options are regional cable networks and ESPN, not superstations which have existed since the advent of satellite broadcasting.

averaged 0.5 in those same local markets. 1990 home market station figures were 11.0 when duplicated and 9.7 when not duplicated with TBS SuperStation ratings averaging 0.4.^{9/} The attached chart, Appendix B, which lists the ratings of Braves' telecasts in home markets with competing baseball franchises, is particularly instructive; in only three markets where franchised teams existed last year did Braves' ratings top 0.5. Baseball fans want to watch their home team announcers not the opposing team's announcers. In fact, many of the highest ratings for local baseball broadcasts occur when the local team is playing a superstation team because fans are more attracted to a game when they are familiar with the opposing team, too. By increasing the popularity of the sport, superstations actually are helping not hurting the value of baseball franchises.

(iv) Superstations Do Not Compete
for Local Advertising Dollars

Neither does TBS SuperStation compete with broadcasters for local advertising dollars. The compulsory license requires a superstation signal to be carried without modification by the cable operator, thus the insertion of local advertising in superstation programming is prohibited. TBS SuperStation competes for advertiser support only in the national advertising pool. Superstations do compete for advertising dollars with

^{9/} TBS Research Department.

national network baseball, but even that competition is not substantial.

In an average year, over 90% of network baseball ad revenue comes from post-season play when network coverage is exclusive. Further, almost 40% of Braves' total advertising revenue comes from local Atlanta market ad sales, making Atlanta viewers proportionally far more important than out-of-market viewers (local CPMs are 3X greater than national CPMs). Baseball remains primarily a local sport with strong local loyalties. National network baseball broadcasts attract a low percentage of viewership outside the home markets of the two competing teams. Thus, the real competition to network baseball broadcasts is not superstations but is network entertainment programming which is able to attract more viewers and more advertising revenue.

(v) MLB Is Compensated for Distant Carriage

Yearly compensation received by Major League Baseball from the compulsory license copyright pool for distant carriage of baseball now exceeds \$20 million. In addition, MLB is being paid approximately \$30 million yearly beyond the copyright pool by the individual teams for their baseball games to be televised beyond region. The Braves' own contract with MLB requires Braves' payment of \$53.5 million over 5 years (1989-93). These revenues are divided equally among all MLB teams.

(vi) Baseball Carriage is Compatible
with Superstation Programming Format

Superstations like TBS do receive increased advertising revenue for national distribution. However, in an average, non-pennant year, the bulk of those additional advertising revenues are returned to MLB as payment for distant carriage. Advertising revenues for Braves' carriage reflect the quixotic nature of a baseball team's popularity. Fans love a winning team. More fans means more viewers, more viewers means more advertising revenue. Unfortunately, the reverse is equally true. But, "win or lose," the Braves have remained an important part of TBS SuperStation's programming identity. Baseball is carried on superstations because baseball helps to establish a superstation's identity; because baseball is good programming; and, because baseball carriage is compatible with an independent superstation format not because it is an advertising "cash cow."

II. Superstations are Broadcast Stations

While no evidence exists to support the contention that superstations decrease the number of baseball games available to fans locally over the air, available evidence does suggest that prohibiting superstations from televising baseball would decrease the number of baseball games available to fans locally over the air. Congress has instructed the Commission to study the migration of sports programming from broadcast to pay media. Their main concern centers on whether viewers can receive local team games over the air. Superstations -- which are, after all,

local broadcast stations, first -- do provide that local over-the-air coverage; thus it is entirely appropriate to classify them with all other broadcast stations. The fact that superstations are also distributed via satellite does not diminish their local value. Like any other broadcast station, a superstation must serve the needs of its local community in order to maintain its broadcast license.

Superstations provide their local viewers far more home team games than most other local broadcasters. The average baseball flagship station carries between 50 and 70 games per season. Teams carried by national and regional superstations have significantly higher numbers of televised games. In 1992: Chicago Cubs 142 on WGN, the Atlanta Braves 120 on TBS SuperStation, and the Boston Red Sox, the New York Mets and the Texas Rangers all with 75 on WSBK, WWOR and KTVT, respectively.

A slight shift of baseball toward regional and national superstations has occurred over the past few years. At least partly, the reason for this shift is the combination of baseball game frequency and their ratings along with changes in the television marketplace. The programming format of independent stations, which includes superstations, is compatible with baseball carriage. Network broadcast station formats are much less compatible. Baseball teams play 162 games per season. Most of these games occur in the evening during television's prime time hours. Ratings of regular season games generally do not match those of network prime time fare. The high number of

baseball games played combined with lower ratings than network programming receives causes few network affiliates to carry local baseball games.

The emergence of Fox Broadcasting as a fourth network also has changed the market for local baseball carriage. Previously-independent Fox stations now run prime time programming that interferes with local baseball carriage. As a result, a remaining independent station in the market, sometimes a superstation, may find baseball carriage more attractive and may pick up the local baseball contract. For example, WGN now carries both the Cubs and the White Sox; KTLA, a regional superstation, carries both the Angels and the Dodgers. Locally broadcast superstations are often the best outlet for local carriage of baseball games. Without superstation baseball carriage, local fans along with fans in sports-short areas of the country would be deprived of games they have been receiving since as early as 1976.

In our view, baseball carriage on superstations is a relatively inexpensive sports option for viewers. Most baseball fans can view 100 to 200 or more regular season games just by subscribing to basic cable. It is impossible to know precisely what effect superstation baseball has had on pay-per-view packaging of baseball games, but so long as superstation baseball continues to exist, viewers will have a far less expensive option than pay-per-view to receive a reasonable number of games.

III. Superstation Carriage Does Not Harm Attendance in the Home Market

The Commission has asked whether game receipts and attendance are a function of the availability of local broadcasts of a team's game or a function of whether the team is winning. A few years ago, then-Major League Baseball Commissioner Fay Vincent alleged that superstation carriage of the Atlanta Braves had turned them into a "studio" team. The Braves were not a "studio" team, they were just a losing team. In 1990, the Braves finished in 6th place with a stadium attendance of only 980 thousand. In 1992, the Braves won the National League pennant for the second year in a row and set an attendance record of over 3 million. The attached chart, Appendix C, from 1980 through 1992 clearly shows a direct connection between stadium attendance and the Braves' win-loss record. No connection can be shown between attendance and the number of games televised.

IV. Conclusion

-- Turner networks' sports carriage has supplemented, not reduced local broadcast sports carriage. TBS SuperStation, is a local broadcast station which continues to provide television viewers with the over-the-air local sports coverage about which Congress is concerned. In fact, TBS SuperStation and other superstations provide local viewers with more over-the-air sports than broadcast stations available only locally.

-- TBS SuperStation, along with the other large superstations WGN and WWOR, was available prior to the 1980 date

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A P P E N D I X A

USA TODAY

Tuesday, June 9, 1992

TV SPORTS

AN INSIDE LOOK AT TV SPORTS PROGRAMMING

Warnings are issued on superstation battle

Opponents of Commissioner Fay Vincent's goal of outlawing superstation telecasts of baseball see a scenario that reaches into the viewer's wallet.

"This bill may not make it in this legislation session," says Jim Hedlund, president of the Association of Independent Television Stations, "but baseball will be back in January in a new session of Congress, pounding even harder."



SPORTS ON TV

By Rudy Martzke

Asked about baseball's chances of repealing the compulsory license section of the copyright act that allows cable companies to pick up baseball-carrying superstations such as TBS, WGN and WWOR, Hedlund says, "Excellent, if fans who care about these games are silent."

"The guy who sits on the couch and uses his remote control to flick between the Mets and

Braves games doesn't know he might lose them. But millions of people would put up a howl if they learned they'd have to pay extra for baseball."

Gene Kimmelman, legislative director for the Consumer Federation of America, adds, "Without compulsory license, viewers will see fewer games on free TV and on basic cable, and most games will be shifted to more expensive pay cable or pay-per-view. That's what baseball wants."

Major League Baseball has long viewed the superstations as a menace, claiming they depress attendance and TV ratings and make negotiations for national TV contracts difficult.

Former Commissioner Peter Ueberroth introduced rights fees for superstations. TBS, for instance, pays \$10 million a year for rights to the Atlanta Braves.

Still, baseball sets attendance records almost every year, and TV rights fees have skyrocketed, with CBS and ESPN paying a combined \$1.5 billion to MLB. But both telecasters are losing about 50% on those deals, so baseball anticipates a sizable reduction in national TV income in 1994. Shifting games off superstations to pay cable and pay-per-view would help offset some of those losses.

"The argument that we're taking games off free TV doesn't wash," says Howard Paster, Washington lobbyist for MLB. "We have actually increased the number of over-the-air telecasts while adding ESPN's 175 games."

"Superstations help a couple of clubs at the expense of others. Under the copyright law, we're being compelled to sell games to superstations at a price far under actual value."

Says INTV's Hedlund: "Vincent comes across as a grandfatherly figure, but people forget he was a shark for Columbia Pictures."

"What's happened is that baseball salaries are out of control. The owners can't discipline themselves. So they're trying to support this avarice by sticking it to the average Joe."

JUN 10 1992

BOSTON HERALD

Fay's out for bucks

JIM BAKER

ON THE AIR

Baseball commissioner Fay Vincent wouldn't put it so boldly, but his attack on superstations is designed to remove games from basic cable subscribers, put them on pay-per-view and use the revenue to retain outrageous multi-million-dollar player salaries.

What's more, Vincent wants congressional blessing via an inside power play to exploit the very citizens whom congressmen are supposed to represent. He seeks repeal of the compul-

sory license that allows cable to pick up broadcast programs without permission of a show's creator.

Bert Carp, Turner Broadcasting's vice president of government affairs, says Atlanta Braves carrier TBS is unfairly targeted because Vincent sees \$1.5 billion in CBS-ESPN revenue dwindling after next season. Both webs vastly overpaid and are losing big money on baseball.

"From our perspective, we have sweat equity," Carp said from Washington. "The Braves have been on the satellite since 1977 and we don't think we've been bad for baseball at all."

Carp pointed out that 57.6 million fans watch baseball on TBS. Some 34.9 million catch the Cubs

on Chicago's WGN and 13.5 million get the Mets on New York's WWOR. And a copyright agreement brings baseball \$30 million in revenue this season.

"Many of these viewers are in areas where it's not easy to get baseball on TV (except CBS and ESPN states)," said Carp.

He's clearly concerned that Vincent might prevail via an inside power play that seeks to influence congressmen to go against the interests of their constituents.

"I think baseball is very powerful and the more inside the fight gets, the better baseball's chances are," Carp said. "I think they have a chance of getting this done."

Carp found it ironic that "Vincent testified to the Senate Judiciary that he was not interested in pay-per-view," yet SportsChannel in Los Angeles just made the Dodgers the latest PPV team.

Paul Gilst, a Washington attorney specializing in cable and copyright law, said pressure should be put on baseball, not its fans, in a statement to The Associated Press.

"Put your own house in order on player salaries," he said. "Then let's talk."

Superstations on baseball's hit list

BY JAY FRANK

SPECIAL TO THE HOUSTON POST

Fay Vincent, who's urging Houstonians to attend more Astros games, at the same time is pushing for you to get less baseball on basic cable television.

The commissioner and his colleagues in Major League Baseball are waging a quiet but determined battle against cable superstations — such as TBS and WGN — in the hope of generating new revenue for the expected leaner TV times ahead.

If they win, games likely would disappear from the superstations, with some or all moving to pay TV. In other

from the "superstation teams." The combined total in 1992 will be \$20 million.

But these figures aren't good enough, say Vincent & Co. They want more control over, and revenue from, superstation telecasts. They claim these "imported games" have an adverse effect on: local clubs' attendance, TV ratings for local and network baseball telecasts and negotiations with the national networks.

show any documentation. It needs to produce some specific audience numbers.

"Our research says baseball is being fairly paid because the audience for superstation games just isn't that large.

"With all the choices on cable available for viewers, baseball has an awful lot of competition."

Competition is at the heart of MLB's other assault on the superstations. It wants Congress to force cable systems to black out su-

The Houston Post

TV SPORTS/Richard Sandomir

Baseball Moves to Lessen Beam of Superstations

Major league baseball is at play in the legislative fields of Washington, trying, critics say, to kill superstation game telecasts by the titans of the business: TBS and WGN.

Baseball Commissioner Fay Vincent does not like superstations, whose signals are picked up by cable systems nationwide.

"They restrict the viability of local broadcasting," he said, "because they diminish the attraction of the local games and divide the advertising market."

Gerald Weaver, a vice president of United Video, a "common carrier" that distributes WGN nationwide by satellite, said: "Baseball wants to be rid of us. They've been trying for years."

Shaun Sheehan, vice president of the Tribune Company, parent of WGN, which airs games of the Chicago Cubs, which it owns, and the White Sox, said, "We share copyrights with them and then they turn around and say they're being harmed by us."

'They diminish the attraction of the local games,' says Vincent.

then the viewer is forced to buy a premium service rather than watch WGN on more affordable basic.

More vexing is whether cable systems (or common carriers) would find the mechanical nuisance of monitoring and engineering the blackouts so annoying that they would drop superstations.

"Blackouts are anathema to cable operators," Weaver said. "Baseball games are of indeterminate length. What do we do? Black out two hours."

limiting national distribution of local games in order to set up a premium or pay-per-view service of its own.

"Everybody who watches Braves games for free now might pay \$10 a month, or Cubs' fans in Arizona would buy some games on pay-per-view," he said.

Alworth denies that baseball's legislative activity is designed to limit distribution of games now available, but to get what it deserves financially.

RETRANSMISSION CONSENT If attempts to repeal the compulsory license fail, baseball is backing efforts in the House to gain retransmission consent. Here, cable systems would negotiate payments to carry broadcast stations in their local area directly with the stations — and baseball teams would seek their hefty cut.

Baseball suggested in a recent memo to teams, reported by Broadcasting magazine, that in their future television deals, local stations should not be